

Bureau of Land Management, Interior

§ 8372.5

§ 8372.4 Fees.

(a) *Fees.* (1) Fees for Special Recreation Permits shall be established and maintained by the Director, Bureau of Land Management, and may be adjusted from time to time to reflect changes in costs. The fee schedule shall be incorporated in the Manual of the Bureau of Land Management, published periodically in the FEDERAL REGISTER and otherwise made generally available to the public.

(2) Actual costs to the United States shall be charged in lieu of the fees provided in the schedule when the estimated cost of issuing and monitoring the permit (estimated at the time of application) exceeds \$5,000, except when the total estimated fees from the schedule over the term of the permit exceed the estimated actual cost. In that case, the fees from the schedule shall be charged. The authorized officer shall notify the applicant in writing of such charges within 30 days of receipt of the permit application and shall not process said application until payment has been made for such charges.

(b) *Payment of use fees.* (1) Payment of fees will be required at the time a permit is issued.

(2) Where the amount of intended use is precisely specified in the application, the fee shall be nonrefundable. However, on receipt by the authorized officer of notification from the applicant of the intention not to use the permit in whole or in part, in sufficient time to allow reallocation of use to others, the authorized officer may refund the fee, less a minimum amount for permit processing.

(3) Where the amount of intended use cannot be precisely determined, the fee will be based on an estimation and payment will be required of that amount. The fee will be adjusted, based on actual use, after use is made. Refunds will be made or additional payment will be required to the extent the payment requirement for actual use varies from the initial amount paid by \$10.

(4) If an applicant is unable to pay the fee in advance, the authorized officer may allow the posting of a payment bond or other guarantee in an amount equal to the actual or estimated fee. The authorized officer will establish a

payment date which is no later than 15 days following the use period.

(c) *Exceptions, exclusions, and exemptions.* (1) Nothing contained herein shall authorize Federal hunting, trapping, or fishing licenses, permits, or fees.

(2) Fees under provisions of this part shall not be charged and permits shall not be required for commercial or other activities not related to recreation. Permits may be required but fees shall not be charged for uses including, but not limited to, organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes.

(3) Applicants for waiver of fees on this basis may be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State, or local government bodies or any other documentation necessary to demonstrate educational use as defined in § 8372.0-5(e) of this title. The use of recreational resources for which a waiver on this basis is requested shall relate directly to scientific or educational purposes and shall not be primarily for recreational purposes.

[43 FR 40738, Sept. 12, 1978, as amended at 49 FR 34337, Aug. 29, 1984]

§ 8372.5 Terms.

(a) *General.* (1) The authorized officer may suspend a special recreation permit if necessary to protect public health, public safety, or the environment. The terms of the permit shall continue to run during any such suspension.

(2) Permits may be issued for a day, season of use, or such other time period considered appropriate by the authorized officer for the use involved.

(3) A special recreation permit will not be issued for an area larger than the authorized officer determines is necessary for the contemplated use. The land may be surveyed or unsurveyed.

(4) The operator or permittee shall allow the authorized officer, or other duly authorized representative of the Bureau, to have access to and the right to examine any directly pertinent